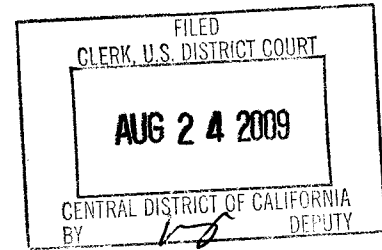


THOMAS P. O'BRIEN  
United States Attorney  
CHRISTINE C. EWELL  
Assistant United States Attorney  
Chief, Criminal Division  
NICHOLAS A. TRUTANICH (Cal. SBN: 242861)  
Assistant United States Attorney  
General Crimes Section  
1500 United States Courthouse  
312 North Spring Street  
Los Angeles, California 90012  
Telephone: (213) 894-7635  
Facsimile: (213) 894-3713  
E-mail: Nicholas.Trutanich@usdoj.gov



Attorneys for Plaintiff  
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
DALE RUSSELL,  
  
Defendant.

Case No. 09-MJ-01902-

GOVERNMENT'S NOTICE OF REQUEST  
FOR DETENTION

Plaintiff, United States of America, by and through its  
counsel of record, hereby requests detention of defendant and gives  
notice of the following material factors:

1. Temporary 10-day Detention Requested (§ 3142(d)) on the  
following grounds:

a. present offense committed while defendant was on  
release pending (felony trial), (sentencing),  
(appeal), or on (probation) (parole); or

\_\_\_\_\_ b. defendant is an alien not lawfully admitted for permanent residence; and

\_\_\_\_\_ c. defendant may flee; or

\_\_\_\_\_ d. pose a danger to another or the community.

X 2. Pretrial Detention Requested (§ 3142(e)) because no condition or combination of conditions will reasonably assure:

X a. the appearance of the defendant as required;

X b. safety of any other person and the community.

\_\_\_\_\_ 3. Detention Requested Pending Supervised Release/Probation Revocation Hearing (Rules 32.1(a)(6), 46(d), and 18 U.S.C. § 3143(a)):

\_\_\_\_\_ a. defendant cannot establish by clear and convincing evidence that he/she will not pose a danger to any other person or to the community;

\_\_\_\_\_ b. defendant cannot establish by clear and convincing evidence that he/she will not flee.

\_\_\_\_\_ 4. Presumptions Applicable to Pretrial Detention (18 U.S.C. § 3142(e)):

\_\_\_\_\_ a. Title 21 or Maritime Drug Law Enforcement Act ("MDLEA") (46 U.S.C. App. 1901 et seq.) offense with 10-year or greater maximum penalty (presumption of danger to community and flight risk);

\_\_\_\_\_ b. offense under 18 U.S.C. §§ 924(c), 956(a), 2332b, or 2332b(g)(5)(B) with 10-year or greater maximum penalty (presumption of danger to community and flight risk);

1        \_\_\_\_\_ c. offense involving a minor victim under 18 U.S.C. §§  
2                    1201, 1591, 2241, 2242, 2244(a)(1), 2245, 2251,  
3                    2251A, 2252(a)(1)-(a)(3), 2252A(a)(1)-2252A(a)(4),  
4                    2260, 2421, 2422, 2423 or 2425 (presumption of  
5                    danger to community and flight risk);

6        \_\_\_\_\_ d. defendant currently charged with an offense  
7                    described in paragraph 5a - 5e below, AND defendant  
8                    was previously convicted of an offense described in  
9                    paragraph 5a - 5e below (whether Federal or  
10                   State/local), AND that previous offense was  
11                   committed while defendant was on release pending  
12                   trial, AND the current offense was committed within  
13                   five years of conviction or release from prison on  
14                   the above-described previous conviction (presumption  
15                   of danger to community).

16        X        5. Government Is Entitled to Detention Hearing Under §  
17                   3142(f) If the Case Involves:

18        \_\_\_\_\_ a. a crime of violence (as defined in 18 U.S.C. §  
19                    3156(a)(4)) or Federal crime of terrorism (as  
20                    defined in 18 U.S.C. § 2332b(g)(5)(B)) for which  
21                    maximum sentence is 10 years' imprisonment or more;

22        \_\_\_\_\_ b. an offense for which maximum sentence is life  
23                    imprisonment or death;

24        \_\_\_\_\_ c. Title 21 or MDLEA offense for which maximum sentence  
25                    is 10 years' imprisonment or more;

1        \_\_\_\_\_ d. any felony if defendant has two or more convictions  
2                    for a crime set forth in a-c above or for an offense  
3                    under state or local law that would qualify under a,  
4                    b, or c if federal jurisdiction were present, or a  
5                    combination or such offenses;

6        \_\_\_\_\_ e. any felony not otherwise a crime of violence that  
7                    involves a minor victim or the possession or use of  
8                    a firearm or destructive device (as defined in 18  
9                    U.S.C. § 921), or any other dangerous weapon, or  
10                   involves a failure to register under 18 U.S.C. §  
11                   2250;

12          X   f. serious risk defendant will flee;

13        \_\_\_\_\_ g. serious risk defendant will (obstruct or attempt to  
14                   obstruct justice) or (threaten, injure, or  
15                   intimidate prospective witness or juror, or attempt  
16                   to do so).

17        \_\_\_\_\_ 6. Government requests continuance of \_\_\_\_\_ days for  
18                   detention hearing under § 3142(f) and based upon the  
19                   following reason(s):  
20  
21  
22  
23

24        //

25        //

26        //

27        //

--       //

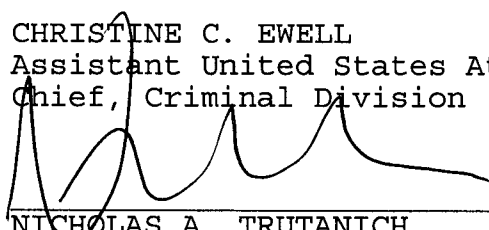
1 7. Good cause for continuance in excess of three days exists  
2 in that:

3 \_\_\_\_\_  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_

7  
8 Dated: August 24, 2009

Respectfully submitted,  
THOMAS P. O'BRIEN  
United States Attorney

9  
10 CHRISTINE C. EWELL  
Assistant United States Attorney  
Chief, Criminal Division

11  
12   
13 \_\_\_\_\_  
NICHOLAS A. TRUTANICH  
Assistant United States Attorney

14 Attorneys for Plaintiff  
15 UNITED STATES OF AMERICA  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
--